Police Keep 'Secret' Log of Cleared Detainees

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Of some 100,000 persons arrested by D.C. police on criminal charges since 1971, at least 1,132 were released within hours because their arrests were found to be based on insufficient or incorrect grounds, police statistics show.

While the police officially absolve such persons of any criminal liability, they nevertheless keep a confidential record of their names, addresses and related data in the police department.

The names are expunged from the public arrest book but are then transferred to a "detention journal," a little-known ledger book kept under lock and key at each of the city's seven district station houses and at detective headquarters.

Police officials say the detention journal is a safeguard for released arrestees and discourages abusive and illegal arrests by police.

Civil liberties attorneys contend it is at best a well intentioned product of a bad law—a section of the D.C. criminal code revised in 1967 to permit police to question suspects for up to three hours and release them before court presentment.

Critics say citizens should feel free from the fear that their arrest, no matter how unfounded, will become part of some record available to employers, government investigators and the general public.

Police counter that strict confidentiality of the detention journal assures against that likelihood and at the same time holds arresting police officers accountable for their acts.

A Washington Post check of police bookkeeping procedures shows that while strict confidentiality is required, each case of a released arrestee generates extensive paperwork which within the police bureaucracy and goes well beyond the detention journal itself.

The issue came to a boil recently when a U.S. District Court jury awarded $8,000 each to two persons who claimed they were wrongly detained by D.C. police as robbery suspects.

The pair, Alfred L. Goodwin, a D.C. probation officer, and Marsha A. Harrison, were arrested in January 1963, while driving on 16th Street NW after they were followed into the District from Silver Spring by Montgomery County police.

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DETAIN, From D1

They were taken to the fourth district station house at 1351 Nicholson St. NW and soon cleared of the charge, but they say police refused to let them leave until they signed forms accompanying the detention journal. Police denied demanding their signatures but said they felt departmental regulations did require them to obtain their names and addresses before releasing them.

The couple's names had not been entered in the arrest book, and when told they were to be released, they refused to give any information for the detention journal. After heated arguments, the woman signed one of the forms and was released. A little later, after police seized his wallet and obtained his name and address, the man was released, though he signed no forms.

While the two won an $8,000 civil damage award each in the case, U. S. District Court Judge June Green refused to issue an injunction requested by civil liberties lawyers in the case that would declare the three-hour detention statute legally unenforceable and order police to cease utilizing it.

As in the Goodwin-Harrison case, the detention journal is used most commonly in "lookout" cases in which a robbery or burglary suspect is arrested shortly after police broadcast a description or "lookout" for the suspect in the vicinity of the crime, said retired D.C. Police Chief Jerry V. Wilson.

The description is often limited and generalized. Still, a suspect may be arrested on probable cause and in good faith, Wilson said, but "sometimes the victim is subsequently unable to identify the suspect or says it's the wrong guy, and they have to let him go . . . Then the detention journal is used."

Since the case was filed almost a year ago, police officials have acknowledged the detention journal aspect of the law is not always uniformly implement.

Several experienced rank-and-file police officers said in interviews that some fellow officers ignore the detention book unless it appears the arrested person may have political or social influence.

"It it's just somebody on welfare or some dude that doesn't know what's going on, they don't make any record of the arrest," said one seven-year police veteran.

"But it it's a school teacher or minister or somebody that looks like they might kick up a fuss, they'll be sure to make a record of it. That detention journal is strictly to protect the police."

Also, contrary to what police did in the Goodwin-Harrison case, acknowledged Deputy Police Chief Thomas R. Estes in a recent court deposition, an arrested person found innocent of the charge who refuses to divulge information should "not be required to sign any form, nor would he be required to identify himself. We would simply indicate or identify the person on our forms as a 'John Doe' and release him."

"There are some kinks we intend to straighten out" in the police department general order establishing the detention journal, Robert Deso, assistant general counsel for the department, said in an interview.

Language in the order, he said, will be clarified soon to specify that no signature is required in released arrestee cases and that even name and address information is not mandatory if the arrestee refuses to divulge it.

Detention journal cases apply generally to those arrests in which officers bring the suspect into the station house for formal processing and then because of subsequent findings, such as a valid alibi, the suspect is released within three hours.

Suspects held for more than three hours are usually booked. Even though their case may subsequently be "no papered" or dropped by the prosecutor's office as insufficient, they are still stuck with the arrest record.

Also, the detention journal is generally not used in street spot checks or what police call "limited detention" cases in which a suspect is never brought into the station house. In such cases, commonly resulting from a radioed "lookout" or description of a robbery or larceny suspect in the immediate area, police may stop a suspect for up to 10 minutes on "reasonable suspicion." He is often taken to the scene of the crime, and if the victim is unable to identify him, he is released without station house processing and his name not entered on the arrest book.

The order creatng the detention journal was issued Dec. 1, 1971, by former Police Chief Jerry V. Wilson. The order provides that if within three hours of arrest, suspect should be released

ing officer "may . . . cause without charge, the arrest-the arrest to be transferred from the arrest book to the detention journal . . . and the arrestee to be released."

The order also says the name, address and Social Security number of the arrestee "shall be obliterated from the arrest book" with notification that the case is "transferred to the detention journal."

Each entry in the detention journal is supposed to show the arrest book case number, plus the name, address and age of the arrestee, the crime for which he was arrested, the name of the arresting officer, the time of arrest, time of release, the initials of the officer entering the information in the journal and the signature of the police supervisor authorizing the release.

The order says the journal is not open to public inspection and information in it is available only to individual arrestees and their attorneys

This system, police officials contend, assures incorrectly arrested persons that they will not have an arrest record and at the same time holds police officers accountable for each arrest they make.

While the order limits detention journal access to arrestees and their attorneys, police say some officials also have access to it. These include investigators from the department's internal affairs division, which investigates reeported misconduct of officers, and auditors from the field inspections division, which monitors internal housekeeping procedures in the department.

In addition to the hardbound detention journals, which are kept in the safes of each district stationhouse, a substantial amount of paperwork on each released arrestee is distributed throughout th police department.

One form, designated PD 731, is a formal notification to the released arrestee that his arrest will not be recorded in any "official record" and that he may "respond negatively to any future inquiry rearding whether or not you have an arrest record."

The form also contains the arrestee's name, address and circumstances of his arrest.

The form is prepared in triplicate with one copy for the arrestee, one for district stationhouse records and one that is routed through channels to the police chief and reviewed along the way by the district commander, patrol division commnder and other officials.

A second form, designated PD 728, is a report to the police chief explaining the reason for the release. This form is prepared in duplicate with one copy for stationhouse records and the other going through channels to the chief.

The copies of both PD 731 and 728 which go to the chief are ultimately stored in the police headquarters identification and records office in a locked file cabinet. They are held there three years and then destroyed, according to police officials.

The detention journal is an outgrowth of a D.C. law that provides that any statements or confession given by an arrestee in the first three hours of his detention cannot be excluded from evidence at a trial "solely because of delay" between arrest and presentment of the suspect before a court magistrate.

But D.C. police have interpreted this language as giving them a free hand "to hold suspects back from presentment for purposes of interrogation" in the initial phase of arrest, says Ralph Temple, legal director of the National Capital Area Civil Liberties Union and one of several attorneys in the Goodwin-Harrison case.

The law also allows police to weed out "bad arrests" in that three-hour period and release suspects, at the stationhouse, rather t' bringing them into court said. Hence, the deten journal, he said.

This is not the intent the law, says Temple. "Th statute does not authorize police to hold a person for three hours expressly for the purpose of questioning him or obtaining information," he said.

The law requires a "prompt presentment" before a magistrate. That requirement is "paramount," he said, and all other police functions including interrogation and unessential paperwork should be subordinated to it.

Assistant Police Chief Maurice J. Cullinane, commander of field operations, says the detention journal was specifically created to protect citizen rights in the crucial three-hour period.

"The detention journal is for mistakes," he said. "With a record, it helps prevent abuses. It protects the individual who's been arrested."